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Pioneers of the Old Southwest: a Chronicle of the Dark and Bloody Ground. By CONSTANCE LINDSAY SKINNER. [Id., vol. XVIII.] (Ibid. 1919. Pp. xi, 304.)

The Old Northwest: a Chronicle of the Ohio Valley and Beyond. By FREDERIC AUSTIN OGG. [Id., vol. XIX.] (Ibid. 1919. Pp. x, 220.)

The Reign of Andrew Jackson: a Chronicle of the Frontier in Politics. By FREDERIC AUSTIN OGG. [Id., vol. XX.] (Ibid. 1919. Pp. x, 249.)

THE volumes in the *Chronicles of America* are attractive, though that is not their only claim to consideration. Those before me are a joy to look upon and a joy to handle. They are as a rule unusually well written. If history must be made pleasing, these volumes satisfy. It seems also that the abundance and appropriateness of the illustrations form almost a contribution. There is here a collection of well-selected engravings, of portraits, paintings, and drawings running through the fields of American history which general reader and scholar alike can appreciate.

The writer thinks also that the editors deserve commendation for their skillful division of the field of American history. They have shown cleverness and originality in the selection of topics for volumes, and have afforded opportunities for discussions not readily found elsewhere.

The volumes before the reviewer were all worth writing. The best from the point of view of critical scholarship is the first, Professor Corwin's *John Marshall and the Constitution*. The editors are not always as fortunate in the selection of authors as in the case of Professor Corwin. His studies in constitutional interpretation, long continued, enable him to speak with authority when he unfolds and analyzes the constitutional opinions of the great jurist who here furnishes his theme. Although Corwin has made large use of the monumental work of Beveridge in his hunt for facts, his scholarly training enables him to be more penetrating than the distinguished biographer, more incisive, and more authoritative as a critic.

Birth in the up-country would not account for Marshall's nationalistic views. Jefferson and Calhoun were both up-country men. The reading of Pope's *Essay on Man* may have had effect, and the joint acquaintance of Thomas Marshall and his son John with General Washington no doubt operated powerfully on the mind of the young soldier and lawyer. Professor Corwin is willing to admit that Marshall's investment in the Fairfax estate, "though it did not impart to his political and constitutional views their original bent, yet must have operated more or less to confirm his opinions" (p. 44) and "to keep alert his natural sympathy for all victims of legislative oppression" (p. 45).

Though an admirer and eulogist, in the way of biographers of John Marshall, Corwin nevertheless can give due honor to his great antagonist (see p. 55).

The author evidently thinks that the power of the court to overthrow legislative enactments on the ground of unconstitutionality was both intentionally conferred by the Fathers and deducible by inevitable logic from their language. His discussion of this theme, however, lacks the sweep and strength of McLaughlin's treatment in *The Courts, the Constitution, and Parties*. It is keen, however, and scholarly. It would seem that it would be worth while mentioning that Marshall's great teacher, George Wythe, was a staunch upholder of the doctrine of judicial supremacy, in *Commonwealth v. Caton* putting it forward with impressive language. Corwin's discussion of Marshall's method in *Marbury v. Madison* shows how the Chief Justice, by taking various questionable and untenable attitudes, found a way to lecture the President (Jefferson) and to establish this doctrine of judicial supremacy over the acts of legislative bodies. Indeed, Corwin presents Marshall's opinion (not by way of censure) as "a political coup of the first magnitude" (p. 66).

As a matter of fact Marshall refused to regard his office merely as a judicial tribunal: "it was a platform from which to promulgate sound constitutional principles". Marshall could have decided all of his great cases on comparatively narrow grounds but he believed in this mission and was a great debater. His weapon was the "*obiter dictum*—by whose broad strokes was hewn the highroad of a national destiny" (p. 123). The most brilliant passage in the book is that in which the author presents this view of Marshall's "profound conviction of calling" and the course and methods which it led him to pursue.

Professor Corwin's book is deserving of a more complete analysis than the limitations of space make possible here. Holding that Marshall's reading of the Constitution "may be summarized in a phrase; it transfixed State Sovereignty with a two-edged sword, one edge of which was inscribed 'National Supremacy' and the other 'Private Rights'" (p. 173), Professor Corwin describes and examines the famous cases and decisions. Criticizing the behavior and riddling the opinions of the Chief Justice in the Burr trial, Corwin says, "Marshall's conduct of Burr's trial for treason is the one serious blemish in his judicial record" (p. 111). *Gibbons v. Ogden* "is his profoundest, most statesmanlike opinion" (p. 137). Professor Corwin is very free and sharp in his criticism, but usually finds a way of claiming that the decision was not so bad after all, and is unshaken in his conviction of the magnificence of the service, abilities, and character of the famous jurist. And most will agree with him that "there is no fame among American statesmen more strongly bulwarked by great and still vital institutions" (p. 230), and

that "his judicial statesmanship finds no parallel in the salient features of its achievement outside our own annals" (p. 231).

Ralph D. Paine's essay on *The Fight for a Free Sea* is an account of the War of 1812. The title indicates Mr. Paine's interpretation of the second war with England. "'Free Trade and Sailors' Rights!' was the American war cry. It expressed the two grievances which outweighed all others—the interference with American shipping and the ruthless impressment of seamen from beneath the Stars and Stripes" (p. 3). On this, the orthodox theory, no wonder Mr. Paine has difficulty in making clear why we should have declared war on England alone, when the offences of France against American commerce were equally high-handed (p. 3) and finds it strange "that those States which had seen their sailors impressed by thousands and which had suffered most heavily from England's attacks on neutral commerce should have arrayed themselves in bitter opposition to the cause and the Government" (p. 8). As a matter of fact the less interest statesmen and citizens had in the "Fight for a Free Sea", the more eager they were for war. Back-countrymen and westerners, Indian-fighters, fur-traders, landhunters, expansionists, who believed that the territory from the Gulf to the "regions of eternal frost" should belong to the Americans—these were the men who took things into their own hands, for reasons of their own, and declared the war against Great Britain. However, it is Mr. Paine's function not to expound the causes of the War of 1812 but to tell the story, and this he does right well, particularly when he gets away from the fight these westerners were making for Canada, and comes into the field of his own enthusiasm, the story of the cleverness, skill, heroism, and service of American seamen. What the privateers did he has discussed in another volume of this series, *The Old Merchant Marine*. Mr. Paine narrates with conviction and interest the story of what a navy which had been "neglected and almost despised" was able to do to redeem American honor.

Writing in the midst of the Great War, the author could not avoid pointing out to us how "sons of the Canadian militia and the red-coated regulars of the British line, sons of the tarry seamen of the *Constitution* and the *Guerrière* stood side by side as brothers in arms to save from brutal obliteration the same spirit of freedom", nor to keep his pen from contrasting whenever possible the spirit of humanity and the generosity shown vanquished seamen on both sides in the sea battles of 1812 with the inhumanity and barbarity exemplified by the submarine commanders acting under the naval code of Germany.

In *Pioneers of the Old Southwest*, Miss Skinner writes in a fascinating way about the settlement of the "Back Country" of Virginia and North Carolina, and the founding of Kentucky and Tennessee. She is a good illustration, as to a certain extent Mr. Paine is, of a type of writer whom the editors of this series have selected. Miss Skinner is a

newspaper and magazine writer, dramatic and musical critic, and playwright, not particularly associated with the development of historical scholarship. However, assigned a topic which appealed to the story-writer's and dramatist's instinct, she has succeeded much better than would have been expected or than this reviewer thought she had done in the first examination of her volume. It is true that at times she has allowed the imagination rather free rein and has overdone "we think", "prefer to picture her", "what does she see when she looks at him?" and the like. The rhetoric may be occasionally a bit exuberant, but none can deny that she has presented a reasonably truthful and worthy story of the eventful days and stalwart people whom she describes. She has made good use of "the writings and journals of pioneers and contemporary observers", quoting from them with effect. The Scotch-Irish, with their "passion for a whole freedom", keeping the Sabbath "and everything else they could lay their hands on", pushing on through Pennsylvania, through the Shenandoah valley of Virginia, on to the Yadkin of North Carolina, met others who entered through Charleston, also bold and hungry after land. They made a religion of everything they undertook, and regarded civil rights as divine rights. It does not seem, however, that Miss Skinner ought even to be tempted to claim on the basis of the "Mecklenburg Declaration" that they were the first to declare for American independence (p. 7). The Scottish Highlanders, somewhat overlooked in American history, and the Germans, the Pennsylvania Dutch, the "second largest racial stream which flowed into the Back Country of Virginia and North Carolina", are also given their full place. These various racial elements, Scotch-Irish, Highland Scots, Germans, founded in the up-country a civilization very different from the somewhat aristocratic life of the tide-water, a difference due not alone to difference in racial origin, for men of English origin also poured into this region, but due also to the fight with the Indian, the wild animals, the obstacles of nature. The author, though general, is successful in the chapter portraying the "Folk-ways" of these people (chap. II.). She is more particular in her discussion (chap. III.) of "the Trader", "America's first magnate of international commerce", the pathfinder and forerunner.

Other chapters tell the relation of the Back Country to the French and Indian War, narrate the adventurous story of Daniel Boone, the wanderer, describe the history of the Transylvania Company, the ambitions and errors of Judge Richard Henderson. The early history of Tennessee is revealed in the careers of two friends, James Robertson and John Sevier. The climax of the story is reached in the account of King's Mountain. "King's Mountain was the prelude to Cornwallis's defeat." It "broke the Tory spirit". "It was the pivot of the war's revolving stage which swung the British from their succession of victories towards the surrender at Yorktown" (pp. 221-222).

The *Old Northwest*, by Frederick Austin Ogg, tells again and well the story of the territory north and west of the Ohio River from 1763 to the territorial organization of Minnesota in 1849. Mr. Ogg tells it in a moving way, with more than the usual emphasis on the "life and spirit of the people." It is the story of English efforts to handle the problem of Indian relations and the organization of the Western region; of Indian wars and Indian struggles to retain the lands which were bandied about from nation to nation and occupied by white men with slight regard to the red men's rights or ambitions; of the American Revolution as it affected the region south of the Great Lakes; of the War of 1812 and the activities of western militiamen; of the westward tide of immigration, the building and organization of territories and commonwealths.

The Indians did not welcome the transfer of the Western country from France to England, hence Pontiac's conspiracy. Even Benjamin Franklin, although, unlike many, he conjured up "a splendid vision of the western valleys teeming with a thriving population", thought this dream would not be realized for "some centuries" (p. 22). The proclamation of 1763, in restricting settlement of the Western region, angered those who did not defy it; the Quebec Act, by incorporating the region running south to the Ohio into the province of Quebec, in which French institutions were properly allowed to prevail, became a revolutionary grievance.

George Rogers Clark with surprising vision and undaunted courage wrested the northwest region from English military control in 1778 and 1779, and John Jay, with similar vision and courage in the statesman's field, broke instructions to make sure that Spain and France did not in the treaty of peace have this land turned into an Indian territory. The statesmanship of the American Revolution was at its best in laying plans for the development of the Western lands. The states surrendered them, the Congress pledged their disposal for the common benefit and their creation into republican states, and in the ordinance of 1787 laid down admirably fundamental principles and plans of government. Mr. Ogg strangely does not mention the significant ordinance of 1785 with its land system and provision for education. The defeat of Tecumseh and the War of 1812 removed both the "British menace and the danger from the Indians" (p. 160). Meanwhile settlers had been pouring into this land of opportunity. Men of Virginia, North Carolina, Tennessee, Kentucky, into Southern Illinois and Indiana; men from New England, New York and Pennsylvania, into the region north of the latitude of Indianapolis. These settlers of different sectional and racial origins agreed on internal improvements, the tariff, opposition to the National Bank; they differed on the form of local government and negro slavery. In consequence of this juxtaposition of men of diverse sectional origins, "throughout the great era of slavery controversy the Northwest was prolific of schemes of compromise" (p. 183).

The next volume, also by Mr. Ogg, likewise has its beginning with the peace of 1763. For shortly after that event came to this country one Andrew Jackson, Scottish Presbyterian, and father of the President. Mr. Ogg thinks the preponderance of evidence points to the birth of Andrew Jackson in South Carolina.

The victim of British cruelty and of the misfortunes of war, he "always hated the British uniform" and later as President "an anti-British feeling colored all of his dealings with foreign nations" (p. 9). One more argument for the War of 1812 is seen in Jackson's eagerness to lead the expedition to take possession of West Florida and thus extend "in this quarter the boundaries of the Republic to the Gulf of Mexico" and confer "a signal benefit on that section of the Union to which he belonged" (p. 27). The Creek War and the dramatic victory at New Orleans made Jackson "the idol and incarnation of the West" (p. 44), a popularity increased by the Seminole War and the "Conquest of Florida", despite its irregularities. So when chosen in 1828, after being cheated, in his estimation, out of the election in 1824, he was, "as no President before him, the choice of the masses" (p. 113). He came into power "as the standard-bearer of a mighty democratic uprising which was destined before it ran its course to break down oligarchical party or organizations, to liberalize state and local governments, and to turn the stream of national politics into wholly new channels" (p. 114). The issue of nationalism against particularism is the theme of the chapters on "the Webster-Hayne Debate" and "Tariff and Nullification." The author, while maintaining that Webster's was "the logic of the larger phase of the situation" and that the Union for which he pleaded was "the Union in which, by the fourth decade under the Constitution, a majority of the people of the United States had come to believe" (p. 156), admits that "the facts of history were on the side of Hayne" (p. 155).

He recognizes the real grievances of the South in "the steadily mounting tariffs" which were working to her "economic disadvantage" (p. 143); her conviction that Northern manufacturers and Western farmers intended to maintain this unfair policy; and her knowledge that the President had no keen interest in the tariff controversy. Nullification was the recourse of South Carolina. On nullification, however, Jackson did feel keenly, so he announced his doctrine, "Our Union! It must be preserved", and made this doctrine effective. Circumstances, however, altered cases with "Old Hickory". So he sympathized with Georgia in her efforts to crush the Cherokees and winked at her nullification of John Marshall's decree. In harmony also with the western prejudices he destroyed the National Bank. There does not seem, however, to be anything "extraordinary" in a President's vetoing a measure on constitutional grounds, even when the court has spoken. Courts sometimes change their minds. Andrew Jackson was determined to be President. He indicated the theory of "executive independence" and

in so doing Mr. Ogg thinks he broke new ground. He "reshaped men's conception of the presidency and helped make that office the power that it is to-day" (p. 236).

In Mr. Ogg's volume the honest, virile, irascible, chivalric, iron-willed, patriotic "General" Jackson and his battles with Indians, law-breakers, red-coats, nullifiers, aristocrats, John Adams, John Marshall, and the Whigs stand out in fresh and strong lines again.

D. R. ANDERSON.

The Conquest of the Old Southwest: the Romantic Story of the Early Pioneers into Virginia, the Carolinas, Tennessee, and Kentucky, 1740-1790. By ARCHIBALD HENDERSON, Ph.D., D.C.L. (New York: Century Company. 1920. Pp. xxiv, 395. \$2.50.)

ONE expects from Mr. Henderson a well-told story, and this volume realizes this expectation. In about four hundred pages there has been condensed a narrative of the advance of the Americans into the region of the southwest, particularly into Tennessee, that will interest the scientific historian as well as the lay reader.

This general praise of the book calls for the establishment of very definite limitations. Although in his title and subtitle Mr. Henderson claims to have covered the whole Old Southwest with the possible exception of lands bordering the Gulf, he has in general centred his narrative around two events, the Transylvania Company enterprise and the Revolutionary War in the modern state of Tennessee. The years and the territory lying just outside of the time and scene of these events have received scant treatment. The westward push of the Virginians into Kentucky, the intrigues of the land speculators, the question of the provincial soldiers' rights, the significance of the laying out of Louisville —this last event not even being mentioned—the claim of the Indiana Company in modern West Virginia, are all granted inadequate treatment. The Vandalia Company, around which played so much politics both in America and in the mother country, receives only half a page, whereas to the Transylvania Company are devoted two chapters without counting the two others depicting the activities of the company's agent, Daniel Boone. The struggle of Tennessee for statehood is treated at length, whereas the equally important effort on the part of Kentucky is granted a few paragraphs. Very significant events affecting the Old Southwest were taking place during these years in West Florida, but the name of that colony does not appear in the index.

Mr. Henderson adds another authority to be quoted in favor of the popular apotheosis of Daniel Boone, to whose story he devotes two chapters full of eulogy. Boone has been fortunate in his biographers, who have told his story in such a way that popular fancy has pictured him as the first man to visit the blue-grass region of Kentucky. Mr. Henderson, himself, names many who had preceded this doughty hunter,